

FY2014 KY SECTION 106 WORKPLAN (Underline one): Draft or Final
REGION 4 KENTUCKY ENFORCEMENT PROGRAM COMMITMENTS

Date of latest workplan revision: 12/01/2014

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The EPA Grant Policy Issuance 11-03, *State Grant Workplans and Progress Reports* (GPI 11-03), requires that all workplans for state categorical program grants prominently display EPA's strategic goals and objectives as identified in the document *FY 2011-2015 EPA Strategic Plan* (EPA-190-R-10-002). In its Annual Commitments System (ACS) document, the Office of Water has identified specific measures that address the strategic goals and objectives outlined by EPA in its strategic plan. For each task identified in this program workplan, references to the corresponding ACS measures were included under the column "*Basis for 106 Workplan Task*." These references ensure that all of the specific commitments made by the State are properly correlated to the strategic goals and objectives of the Agency.

The tasks identified in this workplan address the following goals and objectives:

Goal 2: Protecting America's Waters. Protect and restore our waters to ensure that drinking water is safe, and that aquatic ecosystems sustain fish, plants and wildlife, and economic, recreational, and subsistence activities.

Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems. Protect the quality of rivers, lakes, streams, and wetlands on a watershed basis, and protect urban, coastal, and ocean waters.

Goal 5: Enforce Environmental Laws. Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Assure compliance with environmental laws.

Objective 5.1: Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.

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Goal 2 – Protecting America's Waters						
Goal 5 – Enforcing Environmental Laws						
Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
1. a.	Conduct a sufficient number of inspections each quarter, based on the FY14 Compliance Monitoring Strategy (Strategy), to assure inspection commitments are met. All inspections must be entered into ICIS-NPDES to count toward the State's commitment.	40 C.F.R. § 123.26, FY-11-13 National Enforcement Initiatives, Goal 5 of the 2011-2015 Strategic Plan, Oct 17, 2007, NPDES Compliance Monitoring Strategy for Core Programs and Wet Weather Sources	Conduct inspections/ audits	10/01/13-09/30/14	Goal 5 of the Strategic Plan is entitled, "Enforcing Environmental Laws Comprehensive inspections are: CEI, CSI, PAI, DI, CBI, and XSI. Compliance inspections will be conducted in accordance with the EPA's most recent NPDES Compliance Inspection Manual, EPA's most recent CMS, and 40 CFR 123.26(d). The State will conduct investigatory inspections, take samples, and gather other information in a manner that will produce evidence admissible in a court proceeding.	COMPLETED.
COMMITMENT NUMBERS WILL BE ENTERED BELOW AFTER THE CONDITIONAL APPROVAL OF THIS YEAR'S 106 WORKPLAN						

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	<u>Conventional Facilities (includes municipal, federal, and industrial WWTPs):</u> <u>Majors:</u> Universe of Major facilities: Total Major facility inspections: 100%/2 years (minimum is 50%/year)		-Total Major Universe: 134 Insp: (56% - 75)		-Major Municipals: Universe: 86 Insp: (55% - 47) -Major Non-Municipals: Universe: 48 Insp: (58% - 28) Major Federal: (0% - 0)	

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EPA Comments	Mid & End-of-Year Report/State Co-ordinator Enter the task completion date or explain the delay/issues.
<p>*Kentucky has opted for Option 2 of 1.b below.</p>	
<p>Universe included 170 Minor Municipal and 1300 Minor Non-Municipal facilities.</p>	

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	<u>General Permit Facilities:</u> Universe of General permitted facilities (excluding Coal): Total General Facility inspections:		General Permit Universe: 1945 Insp: (5% - 103)		- Total GP(non-coal): Include: KYG50 permits (DOT wastewater), KYG64s (DW wastewater), and KYG84s (mining-non coal) - 452 (92 insp’s); KYG40s (Residential)- 1478 (11 inspections); and, KYG91s (GW) (0 insp’s)	
	<u>Coal Facility Inspections:</u> Universe of Coal General Permits: Universe of Coal Individual Permits: Total Coal Inspections:		Coal GPs: 1601 Coal IPs: 183 Total Coal Facility Insp: (6% - 100)			

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	<u>Stormwater (SW) Facilities:</u> Phase I MS4 Audits: Conduct an MS4 Audit of each Phase I permittee/co-permittee once/5 years (minimum is 20%/year) Universe of Phase I MS4 Facilities: Phase I MS4 Audits: Phase I MS4 Inspections: As Needed Phase II MS4 Audits & Inspections: Conduct an MS4 Audit or Inspection of each Phase II permittee/ copermitee once/7 years from issuance of EPA's Guidance dated 10/17/07 (minimum is 14%/year) Universe of Phase II MS4 Facilities: Phase II MS4 Audits: Phase II MS4 Inspections:		Phase I MS4 Universe: 3 Audits: (0) Insp: (33%-1) Ph II MS4 Universe: 47 Audits: (9% - 4) Insp: (21%-10)			

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Goal 2 – Protecting America's Waters

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	Industrial SW Inspections: Conduct inspections of at least 10%/year of the permitted Phase I industrial universe		Industrial SW Universe: 1098 Insp: (10% - 115)			
	Universe of Industrial SW Facilities: Industrial SW Inspections:		Ph I & Ph II SW Construction Universe: 2296 Insp: (13%-289)			
	Phase I & Phase II Construction: Conduct 12% - 15% of the permitted universe					
	Universe of Phase I & Phase II SW Construction Facilities: Phase I & Phase II Construction SW Inspections:					

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	<u>Concentrated Animal Feeding Operation Facilities (CAFO):</u> large and Medium Permitted CAFOs 1/5 years: Universe of Large/Medium Permitted CAFO Facilities: Large/Medium NPDES CAFO inspections: Large Unpermitted CAFOs within 5 years: Universe of Large Unpermitted CAFO Facilities: Large Unpermitted CAFO inspections: Medium Unpermitted CAFOs shall be assessed one time initially. Universe of Medium Unpermitted CAFO Facilities: Medium Unpermitted CAFO inspections:		Large/Med Permitted CAFO Universe: 1 Insp:(100% - 1) Large Unpermitted Universe: 68 Insp: (30 – 44%) Med Unpermitted Universe: 113 Insp: (31 – 27%)			

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Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments
	Small Animal Feeding Operations (AFOs) on an as needed basis, based upon complaints. Universe of AFO facilities: <u>Collection Systems:</u> <u>Combined Sewer System (CSO) Inspections:</u> Major CSO Inspections: 100%/3 years (minimum is 33%/year) Minor CSO Inspections: 100%/5 years (minimum is 20%/year) <u>Sanitary Sewer System (SSO)</u> Major SSO inspections: Minor SSO inspections:		Small AFO: Universe: 597 Insp: (196 – 33%) Major CSO: Universe: 8 Insp: (50%- 4) Minor CSO Universe: 9 Insp: (11% - 1) Major SSO: Universe: 86 Insp: (15%-13) Minor SSO: Universe: 170 Insp: (4% - 7)		
					Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>

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1.b.	Prepare and submit a Compliance Monitoring Strategy (Inspection Plan in MOA) for FY15 (10/01/14-09/30/15). The Strategy shall be consistent with EPA Memorandum dated October 17, 2007. In this Strategy, the State should incorporate any compliance or enforcement topics or concerns developed as a part of the State's Priority Watershed Initiatives.	40 C.F.R. § 123.26, FY-11-13 National Enforcement Initiatives, Goal 5 of the 2011-2015 Strategic Plan, Oct 17, 2007, NPDES Compliance Monitoring Strategy for Core Programs and Wet Weather Sources	Submit draft Strategy with proposed summary by universe. Submit final Strategy with final summary by universe and list of facilities to be inspected.	05/31/14 07/15/14	EPA Memorandum of October 17, 2007, is entitled "Clean Water Act National Pollutant Discharge Elimination System Compliance Monitoring Strategy for the Core Program and Wet Weather Sources" Goal 5 of the Strategic Plan is entitled, "Enforcing Environmental Laws." Clarification: This requirement is for the submission of the Compliance Monitoring Strategy (Inspection Plan in MOA) and not a requirement to conduct those inspections in FY14. Inspection commitments for FY15 will be negotiated in FY14.	COMPLETED. Draft submitted 5/30/14 Final Submitted 7/15/14

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	<p><u>Conventional Facilities (includes municipal, federal, and industrial WWTPs):</u></p> <p>Majors: Conduct one comprehensive inspection every 2 fiscal years at each major permittee. (100% inspection coverage every 2 fiscal years (minimum is 50%/fiscal year)</p> <p>Minors: <u>(Option 1)</u> Traditional minor permittees that discharge to water bodies listed in the CWA Section 303(d) or 305(b) list: Conduct one comprehensive inspection every 5 fiscal years at each minor permittee. 100% inspection coverage every 5 fiscal years (minimum is 20%/fiscal year)</p> <p>Traditional minor permittees that do not discharge to water bodies listed in</p>		See 1.a above for compliance monitoring strategy			

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	the CWA Section 303(d) or 305(b) list: Conduct one comprehensive inspection in at least 5% of the traditional minor universe every fiscal year. OR if they cannot determine if permittee is discharging to 303(d) or 305(b) listed waters use the following: <u>(Option 2)</u> Traditional minor permittees: Conduct one comprehensive inspection every 5 fiscal years at each minor permittee. 100% inspection coverage every 5 fiscal years (minimum is 20%/fiscal year) Universe of General Permitted Facilities: Total General Facility inspections:				Kentucky has selected Option 2. (see 1.a Output/Outcome for more information)	

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	Phase II MS4 Inspections: Industrial SW Inspections: Conduct inspections of at least 10%/ year of the permitted Phase I industrial universe Universe of Industrial SW Facilities: Industrial SW Inspections: Phase I & Phase II Construction: Conduct inspections of at least 12% - 15% of the permitted universe Universe of Phase I & Phase II SW Construction Facilities: Phase I & Phase II Construction SW Inspections:					

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	<u>Concentrated Animal Feeding Operation Facilities (CAFO):</u> Large and Medium Permitted CAFOs: Inspect at least once every 5 years Universe of Large/Medium Permitted CAFO Facilities: Large/Medium NPDES CAFO Inspections: Large Unpermitted CAFOs: Inspect at least once every within 5 years from issuance of EPA's Guidance dated 10/17/07. Universe of Large Unpermitted CAFO Facilities: Large Unpermitted CAFO inspections:					

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	Medium Unpermitted CAFOs shall be assessed at least once every within 5 years from issuance of EPA's Guidance dated 10/17/07. Universe of Medium Unpermitted CAFO Facilities: Medium Unpermitted CAFO inspections: Small Animal Feeding Operations (AFOs) shall be inspected on an as needed basis, based upon complaints. Universe of AFO facilities: AFO inspections:					

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	<u>Combined Sewer System (CSO) Inspections:</u> Major Combined Sewer Systems shall receive a CSO inspection once every 3 fiscal years (minimum of 33%/year): Major CSO Inspections: Minor Combined Sewer Systems shall receive a CSO inspection once every 5 fiscal years (minimum of 20%/year): Minor CSO Inspections: <u>Sanitary Sewer System (SSO) Inspections:</u> Major SSO inspections: Minor SSO inspections:					

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Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
1.c.	Whole Effluent Toxicity (WET): The State shall have the ability to conduct biomonitoring inspections, have a designated contractor conduct inspections, or have an equivalent program to independently verify a discharger's compliance with WET permit requirements. The State shall describe their approach in the Strategy for FY14.	40 C.F.R. § 123.26	Submit draft of approach with draft Strategy. Finalize and submit final approach with final Strategy.	05/31/14 07/15/14		COMPLETED. Final Submitted 7/15/14
1.d.	Provide a summary of inspections conducted in FY13 to assure inspection commitments were met.	40 C.F.R. § 123.26, National Initiatives, Goal 5 of the Strategic Plan	Provide list of total number of inspections by category.	12/31/13	See template provided by EPA.	COMPLETED. Submitted 12/20/13.

FY2014 KY SECTION 106 WORKPLAN (Underline one): Draft or Final
REGION 4 KENTUCKY ENFORCEMENT PROGRAM COMMITMENTS

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Goal 2 – Protecting America’s Waters
Goal 5 – Enforcing Environmental Laws

Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
	Reporting/Enforcement				The State’s responsibilities regarding Timely and Appropriate enforcement shall be consistent with EPA’s current NPDES national guidance and policies.	
2.	Submit the Quarterly Noncompliance Report (QNCR). Provide brief written annotations denoting compliance/enforcement status when a QNCR-listed permittee is determined to be in Significant Noncompliance (SNC) for 2 or more quarters by ICIS-NPDES. <i>*Dates dependent upon ICIS-NPDES operations; regulatory dates are noted.</i>	40 C.F.R. § 123.45 and Goal 2.2 and Goal 5 of the Strategic Plan	Submit annotated QNCR. Execute and submit copies of draft and final enforcement actions, as requested.	11/30/13* 02/28/14* 05/31/14* 08/31/14*	Goal 2.2 of the Strategic Plan is entitled “Protect and Restore Watersheds and Aquatic Ecosystems” and Goal 5, entitled “Enforcing Environmental Laws”	Completed. The QNCR was submitted to U.S. EPA on 12/13/13, 03/14/14, 06/14/13, and 09/04/14.

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Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
3.	The Facilities Watch List (FWL) will be provided to the State on a quarterly basis. Within 15 days of being notified by EPA of FWL generation, the State shall execute a formal enforcement action, refer the facility to EPA for enforcement, or provide a written explanation of either why no formal action is appropriate or the type of formal action being taken, with a projected date of action. <i>*Due date may vary depending on the generation and state notification date.</i>	National Initiative; Goal 2 and Goal 5 of the Strategic Plan	Submit written FWL explanation or refer to EPA. Execute and submit copies of draft and final enforcement actions, as requested.	11/15/13* 02/15/14* 05/15/14* 08/15/14*	EPA Strategic Plan, Goal 2.2: Protect and Restore Watersheds and Aquatic Ecosystems and Goal 5: Enforcing Environmental Laws.	Completed. The Watch List was submitted to U.S. EPA or a telephone conference was held on 01/06/14 and 03/21/14. Due to the Inspector General finding on the Watch List and U.S. EPA's reevaluation of it, no further meetings were held. Information has been provided to U.S. EPA upon request.

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Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
4.	The WET Non-Compliance Report (WET Report) will be generated by EPA and provided to the State on a quarterly basis along with the FWL. Within 15 days of being notified by EPA of WET Report generation the State shall provide a written explanation for all facilities on the report. This response shall include any additional test results for the facilities on the report that have not been entered into ICIS and/or have occurred since the date of the WET Report. The response shall also include a sufficient description of the enforcement history, present actions taken (formal and informal), including a summary of any TIE/TRE work conducted, and the dates that the violations were resolved or are expected to be resolved will be provided. The State shall execute and submit copies of draft and final enforcement actions, as requested. <i>* Due date may vary depending on the generation and state notification date.</i>	Regional Priority and Goal 2 and Goal 5 of the Strategic Plan	Submit a written WET report explanation or refer to EPA. Execute and submit copies of draft and final enforcement actions, as requested.	11/15/13* 02/15/14* 05/15/14* 08/15/14*		Completed. The WET Non-Compliance Report was submitted to U.S. EPA or a telephone conference was held on 01/06/14 and 03/21/14 and otherwise as provided and requested by U.S. EPA.

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5.	Submit Annual Noncompliance Report (ANCR) containing information concerning the number of non-major dischargers in noncompliance.	40 C.F.R. § 123.45(c)	Submit report	Upon request by EPA HQ.		Submitted upon request.
6.	Upon request by EPA, submit copies of Inspection Reports in either hard or electronic form.	Regional Priorities	Submit requested copies of inspection reports.			Submitted upon request.
7.	Upon request by EPA, submit hard or electronic copies of enforcement actions.	Regional Priorities	Submit requested copies of actions.			Completed.
8.a	Submit list of CAFO facilities with permits or that are registered.	40 C.F.R. § 122.23 and National Enforcement Initiatives	Submit list	12/31/13		COMPLETED.

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8.b.	Submit a list of CAFO facilities without permits and indicate if a completed application or a Notice of Intent has been received.	40C.F.R. § 122.23 and National Enforcement Initiatives	Submit list	12/31/13		COMPLETED.
8.c.	Submit hard or electronic copies of all CAFOs/AFOs enforcement actions including NODs, NOVs, AOs, AOCs and referrals.	40 C.F.R. § 122.23 and National Enforcement Initiatives	Submit quarterly	1/31/14 4/30/14 7/31/14 10/31/14		Completed. 1 st quarter- 1/30/14 2 nd quarter- 4/25/14 3 rd quarter- 7/15/14 4 th quarter- 10/30/14

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	Industrial Pretreatment Program					
9.a	<u>POTW Oversight In FY14</u> Conduct Pretreatment Compliance Inspections (PCI) and Audits of active approved POTW pretreatment programs per the schedule submitted in fourth quarter of FY13 which assures that all approved active POTW pretreatment programs receive at least one Audit in each 5 year permit term (20% of approved active programs each year) and at least two PCIs during each five year permit term (40% of approved active programs each year). This schedule may be updated before February 28 to reflect latest changes in timing or specific facilities selected. Such updates should be submitted to the EPA Region 4 Pretreatment Coordinator (EPA PTC). Enter inspections and audits conducted into ICIS-NPDES including associated data such as number of SIUs.	40 C.F.R. § § 123.26, 403, and Goal 5 of the Strategic Plan	Conduct PCI/Audits in FY14 per schedule submitted in Q4 of FY13, or per updated schedule submitted to the EPA R4 PTC prior to February 28.	10/1/13 – 9/30/14 Submit any FY14 schedule update before 2/28/14.	Goal 5 of the Strategic Plan is entitled "Enforcing Environmental Laws," The Region is required to report the number of federal and state inspections of POTWS w/approved pretreatment programs.	COMPLETED.

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9.b	<p><u>POTW Oversight Schedule for FY15.</u> In fourth quarter, submit a schedule electronically to the EPA PTC of the POTW pretreatment program PCI and Audits to be conducted in the next inspection year (FY15). If subsequent changes to the schedule occur, then they shall also be submitted electronically to the EPA PTC with line-item explanations.</p> <p>This schedule (for FY15) shall reflect that 20% or more of active approved POTW programs shall receive an Audit by the end of FY15, so that all such programs are audited within 5 years. During each audit, assessment of the POTW’s inspection procedures will be made by an oversight inspection of at least two industrial users discharging to the POTW.</p> <p>This schedule shall also reflect that at least 40% or more of active approved POTW programs shall receive a PCI by the end of FY15, so that each program</p>	40 C.F.R. § 403	Submit schedule for next FY.	08/31/14	<p>Region 4 has adopted the OECA minimum requirement that at least two industrial users be subject to oversight inspections during each Pretreatment Audit.</p>	<p>COMPLETED.</p> <p>Submitted 8/19/2014.</p>

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Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
	receives at least 2 PCIs within 5 years. During each PCI, assessment of the POTW's inspection procedures will be made by an oversight inspection of at least one industrial user discharging to the POTW.				Region 4's expectation is that field procedures for the State's Pretreatment Audits and PCIs will follow EPA guidance for these oversight activities.	
9.c	<u>POTW Performance Reports</u> Submission of POTW pretreatment program performance reports per 40 CFR 403.12(i) shall be tracked, and 100% of submissions will be reviewed to determine if appropriate permitting and enforcement of Significant Industrial Users (SIUs) is being accomplished by POTWs. Data from these reports shall be entered into PCI/ICIS-NPDES by the end of FY14.	40 C.F.R. § 403	100% reports reviewed and entered into ICIS-NPDES by the end of FY14.	As reports are reviewed.		COMPLETED.

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9.d	<u>SILUs Discharging to Unapproved POTWs</u> If SILUs are actively discharging, or pursuing discharge, to POTWs without active approved programs during FY14, then the State Industrial Pretreatment Program shall perform the oversight activities required by 40 CFR 403.10(f)(2)(i) until the NPDES permit(s) for such POTWs reflect active approved programs. These SILUs and associated POTWs shall be reported to EPA as either developing programs or new State-permitted SILUs with the Quarterly Reporting (see below) and oversight activity shall be entered into ICIS-NPDES by the end of FY14.	40 C.F.R. § 403	Perform oversight per 40 CFR 403.10(f)(2)(i) if necessary, report findings in QR, and enter oversight activity in ICIS-NPDES by the end of FY14.	10/1/13 – 9/30/14	Does not currently apply, however necessary to include in the event SILUs are found outside of an approved program in the FY.	Oldham County – ConAgra. Program still in development.

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9.e	<p><u>Quarterly Reporting to EPA</u></p> <p>The Industrial Pretreatment Program shall submit a quarterly report (QR) electronically to the EPA PTC. The QR shall provide the total number of SIUs permitted by active approved POTW pretreatment programs as of the end of the quarter, provide an update on developing programs, and identify POTWs in reportable non-compliance (RNC) and significant non-compliance (SNC). For RNC/SNC, the criteria met for each designation will be delineated, and a description of the enforcement history, present actions, and dates that non-compliance was resolved or is expected to be resolved will be provided. Any SIUs discharging to POTWs without active approved programs shall be evaluated for SNC, reported to EPA, and published, pursuant to 40 CFR 403.10(f)(2)(i).</p> <p>The first QR of the year, due February 28,</p>	40 C.F.R. § 403 and Goal 2.2 and Goal 5 of the Strategic Plan	Submit complete reports on time and the program listing with the Q1 report due by February 28.	11/30/13 (for period 7/13-9/13) 2/28/14 (for period 10/13-12/13) 5/31/14 (for period 1/14-3/14) 8/31/14 (for period 4/14-6/14) 11/30/14 (for period	Goal 2.2 and 5 of the Strategic Plan requires reporting the number of SIUs, the number of CIUs, the number of inspections and the number of audits of approved PT programs.	Completed. 1 st quarter- 2/18/14 2 nd quarter- 5/08/14 3 rd quarter- 8/19/14 4 th quarter- 11/26/14

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	shall also include a detailed listing of the active approved POTW pretreatment programs and developing programs including: Town name, POTW name(s) and associated NPDES permit number(s). For programs with multiple POTWs, the listing will also identify the key permit number for the program which is used for coding activities in ICIS-NPDES. Information for developing programs shall also include the SIU names, addresses, categorizations (if applicable); and if discharging, the SIU permit numbers used in ICIS-NPDES, the SIU permit expiration dates, and the average daily process flows (gpd).			7/14-9/14)	Region 4 uses this manual reporting from the program to verify the integrity of the coding in the data system and to serve as a secondary source for its compliance evaluation in the event data entry problems are identified. Information on a developing program is largely acquired manually.	
9.f	<u>Enforcement Actions</u> Copies of enforcement actions taken by the Industrial Pretreatment Program will be provided to the EPA PTC upon request.	40 C.F.R. § 403	Submit copies of enforcement actions.	Upon request.		Upon request.

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	Data Management –Requirements apply to <u>all</u> NPDES Dischargers, unless otherwise specified.					
9.g	Section 403.15 Variances from <u>Categorical National Pretreatment Standards (NPS) for net/gross adjustment</u> . The State shall make an initial finding on all requests from IUs for variances from categorical NPS for net/gross adjustment and, in cases where the State supports the variance, shall submit its findings together with the request and supporting information to the EPA Region 4 Water Programs Enforcement Branch Chief for a final review. The State will not grant a net/gross adjustment request until written concurrence has been received from EPA. The State can deny requests for net/gross adjustment without EPA review.	40 C.F.R. 403.10(g)(3) and 403.10(i)	In cases where the State supports a net/gross adjustment request, submit to EPA the initial net/gross adjustment request, supporting technical information, and a request for EPA concurrence with the state findings.	Upon making initial determination by State to support a net/gross adjustment request.	Although removal credit and FDF variances for pretreatment standards were included in the EPA-State MOA, the Part 403.15 variance was inadvertently omitted. The EPA is including this provision in the 106 Workplan until such time that the MOA is revisited and revised to include this provision.	Not Applicable.

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10.	Enter and maintain data in ICIS-NPDES for all RIDE (or WENDB) data elements.	National Policy	Enter data into ICIS-NPDES.	Enter within 15 days after the fact, except as specified elsewhere.		Completed.
11.	Enter and maintain current effluent limits and monitoring requirements in ICIS-NPDES for all major dischargers.	National Policy	Enter data into ICIS-NPDES.	30 days after the effective date of the permit		All Majors are in ICIS. New information is entered as permits are re-issued.
12.	Once RIDE is promulgated, enter RIDE data elements into ICIS-NPDES, if applicable.	National Policy	Enter data into ICIS-NPDES, if applicable.	Begin immediately after enactment of RIDE. Enter as permits are issued or reissued.		Not yet promulgated.

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Goal 2 – Protecting America’s Waters						
Goal 5 – Enforcing Environmental Laws						
Task No.	106 Workplan Task Description	Basis for 106 Workplan Task	Output/ Outcome	Due Date	EPA Comments	Mid & End-of-Year State Report/State Comments <i>Enter the task completion date or explain the delay/issues.</i>
13.	Each month, maintain at least 95% data entry rate for DMR parameters for facilities currently tracked under WENDB requirements.	National Policy	Enter data into ICIS-NPDES.	Enter within 58 days after the end of each monitoring period.		Complete. Permittees enter data via net-DMR.
14.	Enter inspection data for all NPDES program areas into ICIS-NPDES.	National Policy	Enter data into ICIS-NPDES	Enter within 15 days of completion of the inspection report, but no later than 45 days from the date of the inspection. All other information (single event violations) must be entered within 90 days of	KDEP will be submitting SEV Reports quarterly until such time that KDEP has the technical ability to enter SEV data into ICIS-NPDES.	Completed.

FY2014 KY SECTION 106 WORKPLAN (Underline one): Draft or Final
REGION 4 KENTUCKY ENFORCEMENT PROGRAM COMMITMENTS

Date of latest workplan revision: 12/01/2014

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15.	Enter and maintain data in ICIS-NPDES for all Single Event Violations, except those automatically identified by the system (e.g., if DMR data entered, effluent violations need not be identified as SEV).	National Policy	Enter data into ICIS-NPDES.	Enter data within 90 days of discovery of violation.	KDEP will be submitting SEV Reports quarterly until such time that KDEP has the technical ability to enter SEV data into ICIS-NPDES.	Completed.
16.	Enter and maintain data in ICIS-NPDES for all formal and informal enforcement actions, including penalties assessed and collected.	National Policy	Enter data into ICIS-NPDES.	Enter data within 30 days of issuance of the enforcement action and penalties collected within 30 days of date		Completed.

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				of collection.		
17.	Enter and maintain NPDES permit and enforcement schedule data in ICIS-NPDES.	National Policy	Enter data into ICIS-NPDES.	Enter within 30 days of issuance.		Completed.
18.	Enter completion of schedule milestones.	National Policy	Enter data into ICIS-NPDES.	Enter within 30 days of notification of completion.		Completed.
19.	If MS4, Industrial, and/or construction stormwater permit/enforcement information is not in ICIS-NPDES, submit a report containing a list of facilities inspected, along with any respective enforcement action taken, and the total number of permitted facilities.	National Enforcement Initiative	Submit report.	02/28/14 05/31/14 08/30/14 11/30/14		Completed.
20.	Submit an updated EMS to EPA if any revisions are made to the EMS.	Regional Priority	Submit Updated EMS	60 days after finalizing revisions		Completed.

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21.	Provide assistance on National Wet Weather Enforcement Strategy Implementation. EPA's wet weather initiatives are: CSOs, SSOs, stormwater, and CAFOs. EPA must conduct inspections and enforcement in these initiative areas. The States are requested to partner with EPA in the initiatives and assist EPA in reaching our goals.	Goal 5 of the Strategic Plan	EPA/State to conduct inspections; EPA to implement enforcement.	As initiatives are conducted.	Goal 5 of the Strategic Plan is entitled, "Enforcing Environmental Laws"	Completed upon request

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	Coal Mining Related Facilities					
22.	Provide EPA with Quarterly reports on the inspections conducted, enforcement actions taken by Department of Natural Resources (DNR), referrals of violations from DNR to Department of Environmental Protection (DEP), violations at these facilities, and enforcement actions taken by DEP. This information shall be provided as a list of facilities (i.e. 402 Permittee), 402 Permit number relevant to the inspection/enforcement action, SMCRA Permit Number, and contact information for the facility. For inspections, the report shall also include if any deficiencies/violations were found during the inspection. For the enforcement actions, the report should identify the type of violation (i.e. effluent limit					Completed. Coal reports were provided to U.S. EPA on 10/31/13, 02/04/14, 04/29/14, and 07/14/14.

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	exceedance, unauthorized discharge, etc.), how the violation was identified (via inspection, DMR review, etc.), the type of enforcement action taken, and whether the facility is back in compliance or not. Also, provide copies of all formal enforcement actions with the quarterly reports.					
23.	Consider the relationship between point source dischargers and drinking water intakes in setting inspection and enforcement priorities.	National Program Guidance and Additional Program Guidance for Section 106	Outcome: Protect Public Health	End-year 12/31/14	Provide update on any activities related to the task	Completed.

